

REMARKS***Allowable Subject Matter***

Claims 3, 7 and 9-12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

At this time the applicants wish to maintain claims 3, 7 and 9-12 unchanged so that the arguments presented below in regard to claims 1 and 5 may be fully considered.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4-6 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,899,742 to Sun ("Sun") in view of U.S. Patent 6,025,267 to Pey et al. ("Pey"). The applicants disagree.

Claim 1 recites, *inter alia*, an isolation layer, a blocking insulation layer formed on the isolation layer and on a portion of the active region neighboring the isolation layer, and a silicide layer formed on the source/drain regions between the blocking insulation layer and the sidewall spacers and having a boundary aligned to edges of the blocking insulation layer and the sidewall spacer.

It is stated that Sun fails to disclose the recited alignment of the silicide layer having a boundary aligned to the edges of the blocking insulation layer and the sidewall spacer. However, it is alleged that Pey discloses a silicide layer 16b that is aligned with respect to the isolation region 2 and spacer 10.

The applicants disagree because the isolation region 2 disclosed by Pey (FIG. 7) is not comparable with the blocking insulation layer recited in claim 1. Claim 1 recites both a blocking insulation layer and an isolation layer. Thus, the recited blocking insulation layer and isolation layer must be different entities. While Pey (FIG. 7) does show a titanium silicide layer 16b aligned with an edge of the sidewall spacer 10 and an edge of the isolation layer 2, the isolation layer 2 is clearly not a blocking insulation layer as recited in claim 1, nor is the isolation layer 2 illustrated in Pey comparable with the alleged blocking insulation layer 44 of Sun, which already has an isolation region 31 (FIGs. 3F and 3H).

Consequently, the Sun/Pey combination fails to establish a *prima facie* case of obviousness for claim 1 because it does not teach or suggest the recited feature of a silicide layer formed between the blocking insulation layer and the sidewall spacers and having a

boundary aligned to edges of the blocking insulation layer and the sidewall spacer. MPEP 2143.

Claims 2 and 4 depend from claim 1. Consequently, claims 2 and 4 are also allowable over the Sun/Pey combination because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03, citing In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

With regard to claim 5, similar to claim 1 it also recites a silicide layer having a boundary aligned to the edge of the blocking insulation layer and a boundary aligned to the edge of the sidewall spacer.

Consequently, the Sun/Pey combination also fails to establish *prima facie* obviousness for claim 5 because, as explained above, both Sun and Pey fail to teach or disclose the recited feature of a silicide layer having a boundary aligned to both the edge of the blocking insulation layer and an edge of the sidewall spacer. MPEP 2143.

Claims 6 and 8 depend from claim 5. Consequently, claims 2 and 4 are also allowable over the Sun/Pey combination because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03, citing In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-12 is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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Limited Recognition Under 37 CFR § 10.9(b)

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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number (703) 872-9306 on January 24, 2005.


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